

EXHIBIT 1



**Service of Process
Transmittal**

04/23/2013

CT Log Number 522582744

TO: Clark Elwood
ITT Educational Services, Inc.
13000 North Meridian Street
Carmel, IN 46032-1404

RE: Process Served in Texas

FOR: ITT Educational Services, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Derek Holloway, Pltf. vs. ITT Educational Services, Inc., etc., Dft.
DOCUMENT(S) SERVED: Citation, Original Petition
COURT/AGENCY: 125th Judicial District Court Harris County, TX
Case # 201320400
NATURE OF ACTION: Employee Litigation - Discrimination - Wrongful termination of employment on basis of disability
ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX
DATE AND HOUR OF SERVICE: By Process Server on 04/23/2013 at 10:45
JURISDICTION SERVED : Texas
APPEARANCE OR ANSWER DUE: By 10:00 a.m. on the Monday next following the expiration of 20 days
ATTORNEY(S) / SENDER(S): Craig R. Keener
Craig R. Keener, P.C.
1005 Heights Boulevard
Houston, TX 77008
713-529-0048
ACTION ITEMS: CT has retained the current log, Retain Date: 04/23/2013, Expected Purge Date: 04/28/2013
Image SOP
Email Notification, Clark Elwood celwood@ittesi.com
Email Notification, Jodi Fague jfague@itt-tech.edu
Email Notification, Jill Jones jjones@ittesi.com
SIGNED: C T Corporation System
PER: Amber Carrouth
ADDRESS: 350 North St Paul Street
Suite 2900
Dallas, TX 75201
TELEPHONE: 214-932-3601

Page 1 of 1 / LB

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

RECEIPT NUMBER 18887 0.00
 TRACKING NUMBER 72892993 ATY

CAUSE NUMBER 201320400

PLAINTIFF: HOLLOWAY, DEREK

vs.

DEFENDANT: ITT EDUCATIONAL SERVICES INC (D/B/A ITT TECHNICAL

In The 125th
 Judicial District Court of
 Harris County, Texas

CITATION CORPORATE

THE STATE OF TEXAS
 County of Harris

TO: ITT EDUCATIONAL SERVICES INC (D/B/A ITT TECHNICAL INSTITUTE) BY
 SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM
 350 N ST PAUL STREET SUITE 2900 DALLAS TX 752014234

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on the 5th day of April, 20 13, in the
 above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED; you may employ an attorney. If you or your attorney do not file a written answer with the
 District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were
 served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This Citation was issued under my hand and seal of said Court, at Houston, Texas, this 8th day of
April, 20 13.

Issued at request of:
 KEENER, CRAIG ROCKWELL
 1005 HEIGHTS BLVD
 HOUSTON, TX 77008
 Tel: (713) 529-0048
 Bar Number: 11167875



Chris Daniel
 CHRIS DANIEL, District Clerk
 Harris County, Texas
 201 Caroline, Houston, Texas 77002
 P.O. Box 4651, Houston, Texas 77210

Generated by: WILLRICH, DAUNSHAE N 9T7/C97/9540

OFFICER/AUTHORIZED PERSON RETURN

I received this citation on the _____ day of _____, 20____, at _____ o'clock ____ M., endorsed
 the date of delivery thereon, and executed it at _____
 (street address) (city)

in _____ County, Texas on the _____ day of _____, 20____, at _____ o'clock ____ M.,
 by delivering to _____, by delivering to its
 (the defendant corporation named in citation)

_____, in person, whose name is _____
 (registered agent, president, or vice-president)

a true copy of this citation, with a copy of the _____ Petition attached,
 (description of petition, e.g., "Plaintiff's Original")

and with accompanying copies of _____
 (additional documents, if any, delivered with the petition)

I certify that the facts stated in this return are true by my signature below on the _____ day of _____, 20____.

FEE: \$ _____

By: _____

(signature of officer)

Printed Name: _____

As Deputy for: _____

(printed name or title of sheriff or constable)

Affiant Other Than Officer

On this day, _____, known to me to be the person whose signature
 appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was
 executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____, 20____.

THIS PROCESS WAS DELIVERED

AT _____ O'CLOCK _____ M.

THIS 29 DAY OF APRIL, 2013

CONSTABLE, PRECINCT 1
 DALLAS COUNTY, TEXAS

Notary Public

DEPUTY

NINT.GYCP

FILED
Chris Daniel
District Clerk
APR 05 2013
Harris County, Texas

2013 20400
CAUSE NO. _____ Time: _____
By _____

DEREK HOLLOWAY
Plaintiff,

VS.

ITT EDUCATIONAL SERVICES, INC.
D/B/A ITT TECHNICAL INSTITUTE
Defendant.

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

125 JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, Derek Holloway, files this original petition against ITT Educational Services, Inc. doing business as ITT Technical Institute ("ITT") for discriminating against him because he was disabled, was regarded as being disabled and had a record of being disabled. This case will be controlled by Discovery Plan Level Two (2) as required by TEX. R. CIV. P. 190.

PARTIES, RESIDENCE AND SERVICE

Plaintiff, Derek Holloway is a resident of Harris County, Texas.

Defendant, ITT, is a Delaware corporation doing business in Texas. ITT can be served by serving its registered agent, CT Corporation System at 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234.

JURISDICTION AND VENUE

The amount in controversy is within the jurisdictional limits of this Honorable Court. Because the incidents which form the basis of this petition occurred in Harris County, Texas, venue is proper in this Court. TEX. CIV. PRAC. & REM. CODE § 15.002.

FACTS

Derek Holloway worked for ITT as an Educational Recruiter beginning in July of 2009. On October 15, 2012, he was diagnosed with prostate cancer. On October 22, 2012, he went on disability leave so that he could undergo extensive radiation treatments to fight his cancer. His direct supervisor, Steven Lee, and the school director, Cathy Clark, were both aware of his cancer diagnosis, treatment, and need for a disability leave. Despite this fact, they decided to terminate Derek Holloway's services while he was on disability leave. Derek Holloway was terminated on October 30, 2012.

CONDITIONS PRECEDENT

All conditions precedent necessary to filing suit and recovering from ITT have been performed or have occurred. Derek Holloway has fulfilled all administrative prerequisites to initiating this lawsuit. Within 180 days of discovering the discriminatory conduct of Defendant, Derek Holloway filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") and the Texas Workforce Commission-Human Rights Division ("TWC"). The TWC has issued Derek Holloway a Notice of Right to File a Civil Action, and suit is being filed within 60 days of receipt of that letter.

VIOLATION OF THE TCHRA

Defendant's actions constitute violations of the Texas Commission on Human Rights Act ("TCHRA") against discriminatory employment practices based upon a person's disability. TEX. LAB. CODE § 21.051. The acts of Defendant constitute discrimination against Plaintiff in the compensation, terms, conditions and privileges of his employment based upon Derek Holloway being disabled, being regarded as disabled and having a record of being disabled. This

discrimination is the cause of both economic and compensatory damages suffered by Derek Holloway.

DAMAGES

Derek Holloway is now suffering and will continue to suffer injury and monetary damages as a result of Defendant's discriminatory practices unless this Court grants relief. Specifically, Derek Holloway has suffered damages in the form of back pay, front pay, lost benefits, and compensatory damages. Derek Holloway seeks reinstatement to his position with ITT. Derek Holloway also seeks punitive damages for ITT's malicious conduct toward him.

ATTORNEY'S FEES

It has become necessary for Derek Holloway to retain the undersigned to pursue his case, and he seeks to recover attorney's fees and expert fees as permitted under Chapter 21 of the Texas Labor Code.

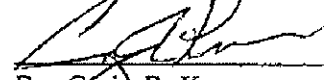
CONCLUSION AND PRAYER

Plaintiff, Derek Holloway, requests that Defendant, ITT Educational Services, Inc. doing business as ITT Technical Institute, be cited to appear and answer, and that after final hearing on this matter, Plaintiff have judgment against Defendant for all actual damages outlined above, reinstatement, punitive damages, attorney's fees, prejudgment and post-judgment interest at the

highest rates allowed by law, costs of court, and all other relief, both general and special, legal and equitable, to which Plaintiff is entitled.

Respectfully submitted,

Craig R. Keener, P.C.



By: Craig R. Keener
State Bar No. 11167875
1005 Heights Boulevard
Houston, Texas 77008
(713) 529-0048 Telephone
(713) 529-2498 Facsimile

ATTORNEY FOR PLAINTIFF
DEREK HOLLOWAY